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DEPARTMENT OF STATE

*Memorandum of Conversation*

OLC 71-0407

DATE: May 26, 1971

SUBJECT: The Proposed Legislation to Create an American Council  
for Private International Communications, Inc.

PARTICIPANTS: H - Mr. David Abshire  
EUR - Mr. Richard Davies  
L/EUR - Mr. B. Keith Huffman  
Senator Clifford Case  
John Marks, Senator Case's Legislative Assistant

PLACE: Senator Case's Office

TIME: Approximately 3:40-4:20 P.M.

DISTRIBUTION: H - Mr. Abshire  
EUR - Mr. Davies  
EUR/CHP - Mr. John Baker  
H - Mr. John Leahy  
Mr. Fred Valtin, Deputy Chief

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Mr. Abshire opened the meeting by asking Senator Case whether he had solicited the opinions of any other members of the Committee as to the merits of the draft bill. The Senator indicated that he had spoken only to Senator Fulbright, who was at present strongly opposed to the basic concept of the draft bill to create a separate organization through which to funnel appropriations to the Radios. Senator Case did not feel that Fulbright's opposition was necessarily permanent nor that he would prevent a vote upon the draft bill within the Senate

L/EUR:BKHuffman:11a

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State Dept. review completed

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Foreign Relations Committee. He suggested, however, that it would be worthwhile for Department representatives to consult with the Senator concerning the bill on the possibility that some of his objections might be overcome during such consultations.

Senator Case said that he felt Senator Fulbright had indicated his basic agreement with Senator Case's initial proposals to fund RFE/RL directly. Senator Case felt that if time was of the essence to the Administration that it would be easier to get through a bill in the form of his original proposal than a bill embodying the concept of the Council. Senator Case, himself, stated that he still preferred his initial concept and described Fulbright's objections as a general opposition to a bill which would create "an entirely new bureaucracy." Though Senator Case indicated on several occasions that he would "support" the draft bill, he implied strongly that such support would not involve any considerable individual efforts on his part and that any progress by the bill would be the result of hard work by the State Department.

Mr. Abshire questioned whether it would be fruitful for the President to see members of the Committee concerning the bill during the week of June 7. Senator Case indicated that he saw little necessity for such high-level pressure at this time. He felt that such pressure would not be needed upon Republican members of the Committee and questioned whether it would be successful with regard to the Chairman. He did not feel that the expenditure of the President's time on this matter was justified.

*State will still try to get President to help such mfg*

Concerning other sentiment on the Committee, Mr. Abshire indicated that Senator Symington, though unfamiliar with the bill, indicated general agreement with its concept. Senator Case indicated that Senator Church would probably also be generally favorable since he had officially congratulated Senator Case on his sponsorship of the bill.

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Senator Case said that in light of Senator Fulbright's opposition to the bill as presently drafted it would be extremely unlikely that the bill could move through the Committee with any degree of urgency. He indicated that we should let the matter lie for two weeks or perhaps a month and then broach the subject with Senator Fulbright in consultations. In discussing the problem of the GAO Audit of the Berlin Occupation Costs, Mr. Abshire indicated we hoped we would know where we stood within a week. Mr. Case indicated that an accommodation to the Committee on this matter would be significant in affecting Fulbright's disposition towards the draft bill.

*State will push for quick action**State would not on this - we not involved*

Mr. Abshire questioned whether it would be helpful to have some persons prominent in the communications field such as Frank Stanton arrange for some personal meetings with the interested Senators, in particular, Senator Fulbright. Senator Case cautioned that Senator Fulbright was presently ill-disposed towards "the New York Establishment" and the "Acheson Group" as the result of recent events surrounding the Mansfield Amendment. He thought, however, that Stanton would be helpful in strengthening Senators Javits' and Scott's appreciation for the draft bill. Senator Case suggested that highpowered consultations be avoided.

*State will explore*

Mr. Davies then discussed possible amendments to the draft bill desired by Senator Case. The Senator indicated that by far the most important amendment from the Committee's point of view would be provision for an annual authorization for the Council. He stated that such a provision would go a long way towards bringing Senator Fulbright around either to withdraw his opposition from the bill or to allow himself to be outvoted in the Committee gracefully. Senator Case stated that if there were such an annual authorization provision in the bill, he would see no necessity for the specific naming of the Radios in the legislation, provided that there was explicit legislative history restricting grants by the Council to the two Radios.

*Agreed to previously**Good*

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Mr. Marks brought up the issue of whether the Council had to be called a private corporation in light of Senator Fulbright's views that this would be misleading in light of the Council's funding by Congress. Mr. Huffman pointed out that the draft bill nowhere employed the term "private corporation" and suggested that semantical arguments might be avoided in the future by referring to the Council in the terms used in the draft bill - a non-profit corporation which is not an agency or establishment of the U.S. Government. Senator Case agreed that the issue was primarily an emotional one with Senator Fulbright but urged us to delete the word "private" from the title of the Council as another important means of mollifying Fulbright's current opposition to the legislation.

*"Private" has been removed from title of Council*

On the subject of the membership of the Board of the Council, Senator Case indicated that Congressman Reid was the strongest proponent of a provision in the bill for board members appointed by persons other than the President. Senator Case himself indicated that he would not feel particularly strongly about this subject but indicated that we should certainly discuss this matter with Reid as soon as possible. Senator Case indicated that Senator Fulbright would probably be quite opposed to a proposal to have persons on the board not appointed by the President because he would feel that this might diffuse the Executive Branch's responsibility and accountability for the operations of the Council. Senator Case indicated that Senator Fulbright would probably work to keep the Department of State "on the hook" with regard to the year-to-year operations of the Council.

*Bill now provides for members appointed by President and two each by Speaker and President of Senate*

In addition, Mr. Davies brought up Senator Case's expressed preference for a provision in the bill to allow GAO audits of the financial transactions of the recipients of grants of the Council as well as the Council. Senator Case indicated that this would also be quite an important matter in the view of other committee members. He would be happy if we could accommodate him on this point. There was also discussion of Senator Fulbright's objections to continued public advertising for contributions to RFE and RL. Senator Case indicated that Senator Fulbright's problems were basically his feeling that they had been misleading in the past. Senator Case did not feel that there would be definitive objections to continued

*This has been agreed*

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provision in the bill for possible private contributions to the Council. He felt that we could meet the concerns of the Committee by having the Council describe all gifts it received in its reports to the Congress and by eliminating the the type of public advertising which had been done in the past.

Senator Case questioned Mr. Abshire with regard to the degree of urgency of the bill. Mr. Abshire took the position that, for appropriations considerations, we would hope to be launched on the new concept of the funding of the Radios embodied in the draft bill by mid-summer. Senator Case indicated that this would be desirable.

Mr. Abshire indicated to Senator Case that Department representatives and members of the Radios' boards would be consulting with members of the Committee in the coming weeks, and we would be back in touch with the Senator's office shortly with regard to the possible language changes in some provisions of the bill to respond to the Senator's preferences. After the meeting Mr. Marks informed us that the draft bill had yet to be submitted for printing and it would be desirable to have any language changes incorporated into the bill at the time it was printed. We indicated our hope that we would shortly be in a position to agree upon final language for the draft accomodating the Senator's concerns.

*The changes in the bill, as indicated in my marginal notes, were agreed to as the price for getting it approved. They do not change the substance of the bill.*

*27/5/71*

*TD*

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